

cles (not including significant military equipment), defense services, and related training to appropriate security forces of countries of Africa for the purposes of countering wildlife trafficking and poaching.

(Pub. L. 114-231, title IV, § 401, Oct. 7, 2016, 130 Stat. 954.)

#### § 7642. Anti-trafficking programs

##### (a) Investigative capacity building

The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with the heads of other relevant United States agencies and communities, regions, and governments in focus countries, may design and implement programs in focus countries to carry out the recommendations made in the strategic plan required under section 7631(a)(2) of this title among other goals, with clear and measurable targets and indicators of success, to increase the capacity of wildlife law enforcement and customs and border security officers in focus countries.

##### (b) Transnational programs

The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with other relevant United States agencies, nongovernmental partners, and international bodies, and in collaboration with communities, regions, and governments in focus countries, may design and implement programs, including support for Wildlife Enforcement Networks, in focus countries to carry out the recommendations made in the strategic plan required under section 7631(a)(2) of this title, among other goals, to better understand and combat the transnational trade in illegal wildlife.

(Pub. L. 114-231, title IV, § 402, Oct. 7, 2016, 130 Stat. 954.)

#### § 7643. Engagement of United States diplomatic missions

As soon as practicable but not later than 2 years after October 7, 2016, each chief of mission to a focus country should begin to implement the recommendations contained in the strategic plan required under section 7631(a)(2) of this title, among other goals, for the country.

(Pub. L. 114-231, title IV, § 403, Oct. 7, 2016, 130 Stat. 955.)

#### § 7644. Community conservation

The Secretary of State, in collaboration with the United State Agency for International Development, heads of other relevant United States agencies, the private sector, nongovernmental organizations, and other development partners, may provide support in focus countries to carry out the recommendations made in the strategic plan required under section 7631(a)(2) of this title as such recommendations relate to the development, scaling, and replication of community wildlife conservancies and community conservation programs in focus countries to assist with rural stability and greater security for people and wildlife, empower and support communities to manage or benefit from

their wildlife resources in a long-term biologically viable manner, and reduce the threat of poaching and trafficking, including through—

(1) promoting conservation-based enterprises and incentives, such as eco-tourism and stewardship-oriented agricultural production, that empower communities to manage wildlife, natural resources, and community ventures where appropriate, by ensuring they benefit from well-managed wildlife populations;

(2) helping create alternative livelihoods to poaching by mitigating wildlife trafficking, helping support rural stability, greater security for people and wildlife, responsible economic development, and economic incentives to conserve wildlife populations;

(3) engaging regional businesses and the private sector to develop goods and services to aid in anti-poaching and anti-trafficking measures;

(4) working with communities to develop secure and safe methods of sharing information with enforcement officials;

(5) providing technical assistance to support land use stewardship plans to improve the economic, environmental, and social outcomes in community-owned or -managed lands;

(6) supporting community anti-poaching efforts, including policing and informant networks;

(7) working with community and national governments to develop relevant policy and regulatory frameworks to enable and promote community conservation programs, including supporting law enforcement engagement with wildlife protection authorities to promote information-sharing; and

(8) working with national governments to ensure that communities have timely and effective support from national authorities to mitigate risks that communities may face when engaging in anti-poaching and anti-trafficking activities.

(Pub. L. 114-231, title IV, § 404, Oct. 7, 2016, 130 Stat. 955.)

### CHAPTER 96—NORTH PACIFIC FISHERIES CONVENTION

Sec.	Definitions.
7701.	United States participation in the North Pacific Fisheries Convention.
7702.	Authority and responsibility of the Secretary of State.
7703.	Authority of the Secretary of Commerce.
7704.	Enforcement.
7705.	Prohibited acts.
7706.	Cooperation in carrying out Convention.
7707.	Territorial participation.
7708.	Exclusive economic zone notification.
7709.	Authorization of appropriations.
7710.	

#### § 7701. Definitions

In this chapter:

##### (1) Commission

The term “Commission” means the North Pacific Fisheries Commission established in accordance with the North Pacific Fisheries Convention.

##### (2) Commissioner

The term “Commissioner” means a United States Commissioner appointed under section 7702(a) of this title.

**(3) Convention Area**

The term “Convention Area” means the area to which the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean applies under Article 4 of such Convention.

**(4) Council**

The term “Council” means the North Pacific Fishery Management Council, the Pacific Fishery Management Council, or the Western Pacific Fishery Management Council established under section 1852 of this title, as the context requires.

**(5) Exclusive economic zone**

The term “exclusive economic zone” means—

(A) with respect to the United States, the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983 (16 U.S.C. 1453 note); and

(B) with respect to a foreign country, a designated zone similar to the zone referred to in subparagraph (A) for that country, consistent with international law.

**(6) Fisheries resources****(A) In general**

Except as provided in subparagraph (B), the term “fisheries resources” means all fish, mollusks, crustaceans, and other marine species caught by a fishing vessel within the Convention Area, as well as any products thereof.

**(B) Exclusions**

The term “fisheries resources” does not include—

(i) sedentary species insofar as they are subject to the sovereign rights of coastal nations consistent with Article 77, paragraph 4 of the 1982 Convention and indicator species of vulnerable marine ecosystems as listed in, or adopted pursuant to, Article 13, paragraph 5 of the North Pacific Fisheries Convention;

(ii) catadromous species;

(iii) marine mammals, marine reptiles, or seabirds; or

(iv) other marine species already covered by preexisting international fisheries management instruments within the area of competence of such instruments.

**(7) Fishing activities****(A) In general**

The term “fishing activities” means—

(i) the actual or attempted searching for, catching, taking, or harvesting of fisheries resources;

(ii) engaging in any activity that can reasonably be expected to result in the locating, catching, taking, or harvesting of fisheries resources for any purpose;

(iii) the processing of fisheries resources at sea;

(iv) the transshipment of fisheries resources at sea or in port; or

(v) any operation at sea in direct support of, or in preparation for, any activity described in clauses (i) through (iv), including transshipment.

**(B) Exclusions**

The term “fishing activities” does not include any operation related to an emergency involving the health or safety of a crew member or the safety of a fishing vessel.

**(8) Fishing vessel**

The term “fishing vessel” means any vessel used or intended for use for the purpose of engaging in fishing activities, including a processing vessel, a support ship, a carrier vessel, or any other vessel directly engaged in such fishing activities.

**(9) High seas**

The term “high seas” does not include an area that is within the exclusive economic zone of the United States or of any other country.

**(10) North Pacific Fisheries Convention**

The term “North Pacific Fisheries Convention” means the Convention on the Conservation and Management of the High Seas Fisheries Resources in the North Pacific Ocean (including any annexes, amendments, or protocols that are in force, or have come into force) for the United States, which was adopted at Tokyo on February 24, 2012.

**(11) Person**

The term “person” means—

(A) any individual, whether or not a citizen or national of the United States;

(B) any corporation, partnership, association, or other entity, whether or not organized or existing under the laws of any State; or

(C) any Federal, State, local, tribal, or foreign government or any entity of such government.

**(12) Secretary**

Except as otherwise specifically provided, the term “Secretary” means the Secretary of Commerce.

**(13) State**

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

**(14) Straddling stock**

The term “straddling stock” means a stock of fisheries resources that migrates between, or occurs in, the economic exclusion zone of one or more parties to the Convention and the Convention Area.

**(15) Transshipment**

The term “transshipment” means the unloading of any fisheries resources taken in the Convention Area from one fishing vessel to another fishing vessel either at sea or in port.

**(16) 1982 convention**

The term “1982 Convention” means the United Nations Convention on the Law of the Sea of 10 December 1982.

(Pub. L. 114-327, title I, §101, Dec. 16, 2016, 130 Stat. 1974.)

**Statutory Notes and Related Subsidiaries****SHORT TITLE**

Pub. L. 114-327, §1, Dec. 16, 2016, 130 Stat. 1974, provided that: “This Act [enacting this chapter, chapter 97, and section 6909a of this title, amending sections 1826g, 1826h, 1826j, 1826k, 5003, 5004, 5601 to 5604, 5606, 5607, 5609, 5610, 6902, and 6910 of this title, section 1541 of Title 15, Commerce and Trade, and section 3103 of Title 33, Navigation and Navigable Waters, repealing section 5612 of this title, enacting provisions set out as a note under section 5601 of this title, and amending provisions set out as a note under section 1823 of this title] may be cited as the ‘Ensuring Access to Pacific Fisheries Act’.”

**§ 7702. United States participation in the North Pacific Fisheries Convention****(a) United States Commissioners****(1) Number of Commissioners**

The United States shall be represented on the Commission by five United States Commissioners.

**(2) Selection of commissioners**

The Commissioners shall be as follows:

**(A) Appointment by the President****(i) In general**

Two of the Commissioners shall be appointed by the President and shall be an officer or employee of—

- (I) the Department of Commerce;
- (II) the Department of State; or
- (III) the Coast Guard.

**(ii) Selection criteria**

In making each appointment under clause (i), the President shall select a Commissioner from among individuals who are knowledgeable or experienced concerning fisheries resources in the North Pacific Ocean.

**(B) North Pacific Fishery Management Council**

One Commissioner shall be the chairman of the North Pacific Fishery Management Council or a designee of such chairman.

**(C) Pacific Fishery Management Council**

One Commissioner shall be the chairman of the Pacific Fishery Management Council or a designee of such chairperson.

**(D) Western Pacific Fishery Management Council**

One Commissioner shall be the chairman of the Western Pacific Fishery Management Council or a designee of such chairperson.

**(b) Alternate Commissioners**

In the event of a vacancy in a position as a Commissioner appointed under subsection (a), the Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time considered appropriate an alternate Commissioner to the Commission. An alternate Commissioner may exercise all powers and duties of a Commissioner in the absence of a Commissioner appointed under subsection (a), and shall serve the remainder of the term of the absent Commissioner for which designated.

**(c) Administrative matters****(1) Employment status**

An individual serving as a Commissioner, or an alternate Commissioner, other than an officer or employee of the United States Government, shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.

**(2) Compensation**

An individual serving as a Commissioner or an alternate Commissioner, although an officer of the United States while so serving, shall receive no compensation for the individual's services as such Commissioner or alternate Commissioner.

**(3) Travel expenses****(A) In general**

The Secretary of State shall pay the necessary travel expenses of a Commissioner or an alternate Commissioner in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

**(B) Reimbursement**

The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this paragraph.

**(d) Advisory Committee****(1) Establishment of permanent Advisory Committee****(A) Membership**

There is established an advisory committee which shall be composed of 11 members appointed by the Secretary as follows:

(i) A member engaging in commercial fishing activities in the management area of the North Pacific Fishery Management Council.

(ii) A member engaging in commercial fishing activities in the management area of the Pacific Fishery Management Council.

(iii) A member engaging in commercial fishing activities in the management area of the Western Pacific Fishery Management Council.

(iv) Three members from the indigenous population of the North Pacific, including an Alaska Native, Native Hawaiian, or a native-born inhabitant of any State of the United States in the Pacific, and an individual from a Pacific Coast tribe.

(v) A member that is a marine fisheries scientist that is a resident of a State the adjacent exclusive economic zone for which is bounded by the Convention Area.

(vi) A member nominated by the Governor of the State of Alaska.

(vii) A member nominated by the Governor of the State of Hawaii.

(viii) A member nominated by the Governor of the State of Washington.

(ix) A member nominated by the Governor of the State of California.

**(B) Terms and privileges**

Each member of the Advisory Committee shall serve for a term of 2 years and shall be

eligible for reappointment for not more than 3 consecutive terms. The Commissioners shall notify the Advisory Committee in advance of each meeting of the Commissioners. The Advisory Committee shall attend each meeting and shall examine and be heard on all proposed programs, investigations, reports, recommendations, and regulations of the Commissioners.

**(C) Procedures**

**(i) In general**

The Advisory Committee shall determine its organization and prescribe its practices and procedures for carrying out its functions under this chapter, the North Pacific Fisheries Convention, and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

**(ii) Public availability of procedures**

The Advisory Committee shall publish and make available to the public a statement of its organization, practices, and procedures.

**(iii) Quorum**

A majority of the members of the Advisory Committee shall constitute a quorum to conduct business.

**(iv) Public meetings**

Meetings of the Advisory Committee, except when in executive session, shall be open to the public. Prior notice of each non-executive meeting shall be made public in a timely fashion. The Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

**(v) Cost savings**

In order to reduce the cost of Advisory Committee meetings, the Advisory Committee shall, to the extent practicable, utilize teleconferences and webinars for that purpose.

**(D) Provision of information**

The Secretary and the Secretary of State shall furnish the Advisory Committee with relevant information concerning fisheries resources and international fishery agreements.

**(2) Administrative matters**

**(A) Support services**

The Secretary shall provide to the Advisory Committee in a timely manner such administrative and technical support services as are necessary to function effectively.

**(B) Compensation; status**

An individual appointed to serve as a member of the Advisory Committee—

- (i) shall serve without pay; and
- (ii) shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.

**(C) Travel expenses**

**(i) In general**

The Secretary of State may pay the necessary travel expenses of members of the

Advisory Committee in carrying out the duties of the Advisory Committee in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

**(ii) Reimbursement**

The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subparagraph.

(Pub. L. 114-327, title I, §102, Dec. 16, 2016, 130 Stat. 1976.)

**Editorial Notes**

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (d)(1)(C)(i), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (d)(1)(C)(iv), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

**§ 7703. Authority and responsibility of the Secretary of State**

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary, act upon, or refer to another appropriate authority, any communication received pursuant to paragraph (1);

(3) with the concurrence of the Secretary, and in accordance with the Convention, object to the decisions of the Commission; and

(4) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies, foreign governments or agencies, or international intergovernmental organizations, in the conduct of scientific research and other programs under this chapter.

(Pub. L. 114-327, title I, §103, Dec. 16, 2016, 130 Stat. 1979.)

**§ 7704. Authority of the Secretary of Commerce**

**(a) Promulgation of regulations**

**(1) Authority**

The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations as may be necessary to carry out the United States international obligations under the North Pacific Fisheries Convention and this chapter, including recommendations and decisions adopted by the Commission.

**(2) Regulations of straddling stocks**

In the implementation of a measure adopted by the Commission that would govern a strad-

dling stock under the authority of a Council, any regulation promulgated by the Secretary to implement such measure within the exclusive economic zone shall be approved by such Council.

**(b) Rule of construction**

Regulations promulgated under subsection (a) shall be applicable only to a person or a fishing vessel that is or has engaged in fishing activities, or fisheries resources covered by the North Pacific Fisheries Convention under this chapter.

**(c) Additional authority**

The Secretary may conduct, and may request and utilize on a reimbursed or nonreimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(1) scientific, research, and other programs under this chapter;

(2) fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the North Pacific Fisheries Convention;

(3) the collection, utilization, and disclosure of such information as may be necessary to implement the North Pacific Fisheries Convention, subject to sections 552 and 552a of title 5 and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(4) the issuance of permits to owners and operators of United States vessels to engage in fishing activities in the Convention Area seaward of the exclusive economic zone of the United States, under such terms and conditions as the Secretary may prescribe, including the period of time that a permit is valid; and

(5) if recommended by the United States Commissioners, the assessment and collection of fees, not to exceed 3 percent of the ex-vessel value of fisheries resources harvested by vessels of the United States in fisheries conducted in the Convention Area, to recover the actual costs to the United States to carry out the functions of the Secretary under this chapter.

**(d) Consistency with other laws**

The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.), the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.), section 401 of Public Law 108-219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.), the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567) and the amendments made by that Act, and Public Law 100-629 (102 Stat. 3286).

**(e) Judicial review of regulations**

**(1) In general**

Regulations promulgated by the Secretary under this chapter shall be subject to judicial

review to the extent authorized by, and in accordance with, chapter 7 of title 5 if a petition for such review is filed not later than 30 days after the date on which the regulations are promulgated.

**(2) Responses**

Notwithstanding any other provision of law, the Secretary shall file a response to any petition filed in accordance with paragraph (1), not later than 30 days after the date the Secretary is served with that petition, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

**(3) Copies of administrative record**

A response of the Secretary under paragraph (2) shall include a copy of the administrative record for the regulations that are the subject of the petition.

**(4) Expedited hearings**

Upon a motion by the person who files a petition under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date.

(Pub. L. 114-327, title I, §104, Dec. 16, 2016, 130 Stat. 1979.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (d), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Tuna Conventions Act of 1950, referred to in subsec. (d), is act Sept. 7, 1950, ch. 907, 64 Stat. 777, which is classified generally to chapter 16 (§951 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 951 of this title and Tables.

The South Pacific Tuna Act of 1988, referred to in subsec. (d), is Pub. L. 100-330, June 7, 1988, 102 Stat. 591, which is classified generally to chapter 16C (§973 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 973 of this title and Tables.

The Western and Central Pacific Fisheries Convention Implementation Act, referred to in subsec. (d), is title V of Pub. L. 109-479, Jan. 12, 2007, 120 Stat. 3635, which is classified generally to chapter 88 (§6901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of this title and Tables.

The National Oceanic and Atmospheric Administration Authorization Act of 1992, referred to in subsec. (d), is Pub. L. 102-567, Oct. 29, 1992, 106 Stat. 4270. For complete classification of this Act to the Code, see Tables.

The amendments made by Public Law 100-629, referred to in subsec. (d), are the amendments made by Pub. L. 100-629, Nov. 7, 1988, 102 Stat. 3286, which amended section 1857 of this title and provisions set out as a note under section 883a of Title 33, Navigation and Navigable Waters.

**§ 7705. Enforcement**

**(a) In general**

The Secretary and the Secretary of the department in which the Coast Guard is operating—

(1) shall administer and enforce this chapter and any regulations issued under this chapter; and

(2) may request and utilize on a reimbursed or nonreimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this chapter.

**(b) Secretarial actions**

The Secretary and the Secretary of the department in which the Coast Guard is operating shall prevent any person from violating this chapter with respect to fishing activities or the conservation of fisheries resources in the Convention Area in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858, 1859, 1860, and 1861) were incorporated into and made a part of this chapter. Any person that violates this chapter is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner, by the same means, and with the same jurisdiction, power, and duties as though sections 308 through 311 of that Act (16 U.S.C. 1858, 1859, 1860, and 1861) were incorporated into and made a part of this chapter.

**(c) Jurisdiction of the courts**

**(1) In general**

Subject to paragraphs (2) and (3), the district courts of the United States shall have jurisdiction over any case or controversy arising under this chapter, and any such court may at any time—

(A) enter restraining orders or prohibitions;

(B) issue warrants, process in rem, or other process;

(C) prescribe and accept satisfactory bonds or other security; and

(D) take such other actions as are in the interest of justice.

**(2) Hawaii and Pacific insular areas**

In the case of Hawaii or any possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii, except that—

(A) in the case of Guam and Wake Island, the appropriate court is the United States District Court for the District of Guam; and

(B) in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands.

**(3) Construction**

Each violation shall be a separate offense and the offense is deemed to have been committed not only in the district where the violation first occurred, but also in any other district authorized by law. Any offense not committed in any district is subject to the venue provisions of section 3238 of title 18.

**(d) Confidentiality**

**(1) In general**

Any information submitted to the Secretary in compliance with any requirement under this chapter, and information submitted under any requirement of this chapter that may be necessary to implement the Convention, including information submitted before December 16, 2016, shall be confidential and may not be disclosed, except—

(A) to a Federal employee who is responsible for administering, implementing, or enforcing this chapter;

(B) to the Commission, in accordance with requirements in the North Pacific Fisheries Convention and decisions of the Commission, and, insofar as possible, in accordance with an agreement with the Commission that prevents public disclosure of the identity or business of any person;

(C) to State, Council, or marine fisheries commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

(D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to another person for a reason not otherwise provided for in this paragraph, and such release does not violate other requirements of this chapter.

**(2) Use of information**

**(A) In general**

Except as provided in subparagraph (B), the Secretary shall promulgate regulations regarding the procedures the Secretary considers necessary to preserve the confidentiality of information submitted under this chapter.

**(B) Exception**

The Secretary may release or make public information submitted under this chapter if the information is in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person.

**(3) Rule of construction**

Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted under this chapter.

(Pub. L. 114-327, title I, § 105, Dec. 16, 2016, 130 Stat. 1980.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (b), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

**§ 7706. Prohibited acts**

It is unlawful for any person—

(1) to violate this chapter or any regulation or permit issued under this chapter;

(2) to use any fishing vessel to engage in fishing activities without, or after the revocation or during the period of suspension of, an applicable permit issued pursuant to this chapter;

(3) to refuse to permit any officer authorized to enforce this chapter to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this chapter or any regulation, permit, or the North Pacific Fisheries Convention;

(4) to assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection in connection with the enforcement of this chapter or any regulation, permit, or the North Pacific Fisheries Convention;

(5) to resist a lawful arrest for any act prohibited by this chapter or any regulation promulgated or permit issued under this chapter;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fisheries resources taken or retained in violation of this chapter or any regulation or permit referred to in paragraph (1) or (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section;

(8) to submit to the Secretary false information (including false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States), regarding any matter that the Secretary is considering in the course of carrying out this chapter;

(9) to assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this chapter, or any data collector employed by or under contract to any person to carry out responsibilities under this chapter;

(10) to engage in fishing activities in violation of any regulation adopted pursuant to this chapter;

(11) to fail to make, keep, or furnish any catch returns, statistical records, or other reports required by regulations adopted pursuant to this chapter to be made, kept, or furnished;

(12) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

(13) to import, in violation of any regulation adopted pursuant to this chapter, any fisheries resources in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any fisheries resources in any form not under regulation but under investigation by the Commission, during the period such fisheries resources have been denied entry in accordance with this chapter;

(14) to make or submit any false record, account, or label for, or any false identification of, any fisheries resources that have been, or are intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce; or

(15) to refuse to authorize and accept boarding by a duly authorized inspector pursuant to procedures adopted by the Commission for the boarding and inspection of fishing vessels in the Convention Area.

(Pub. L. 114-327, title I, §106, Dec. 16, 2016, 130 Stat. 1982.)

#### **§ 7707. Cooperation in carrying out Convention**

##### **(a) Federal and State agencies; private institutions and organizations**

The Secretary may cooperate with any Federal agency, any public or private institution or organization within the United States or abroad, and, through the Secretary of State, a duly authorized official of the government of any party to the North Pacific Fisheries Convention, in carrying out responsibilities under this chapter.

##### **(b) Scientific and other programs; facilities and personnel**

Each Federal agency may, upon the request of the Secretary, cooperate in the conduct of scientific and other programs and furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the North Pacific Fisheries Convention.

##### **(c) Sanctioned fishing operations and biological experiments**

Nothing in this chapter, or in the laws of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the North Pacific Fisheries Convention.

##### **(d) State jurisdiction not affected**

Nothing in this chapter shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(Pub. L. 114-327, title I, §107, Dec. 16, 2016, 130 Stat. 1983.)

#### **§ 7708. Territorial participation**

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam to the extent allowed under United States law.

(Pub. L. 114-327, title I, §108, Dec. 16, 2016, 130 Stat. 1984.)

#### **§ 7709. Exclusive economic zone notification**

Masters of commercial fishing vessels of countries fishing under the management authority of the North Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, prior to or as soon as reason-

ably possible after, entering and transiting the exclusive economic zone bounded by the Convention Area, ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place it is normally used for fishing activities and placed where it is not readily available for fishing activities.

(Pub. L. 114-327, title I, §109, Dec. 16, 2016, 130 Stat. 1984.)

#### § 7710. Authorization of appropriations

There is authorized to be appropriated out of funds made available to the Secretary and the Secretary of State \$300,000 for each of fiscal years 2017 through 2021 to carry out this chapter and to pay the United States contribution to the Commission under Article 12 of the North Pacific Fisheries Convention.

(Pub. L. 114-327, title I, §110, Dec. 16, 2016, 130 Stat. 1984.)

### CHAPTER 97—CONVENTION ON THE CONSERVATION AND MANAGEMENT OF HIGH SEAS FISHERY RESOURCES IN THE SOUTH PACIFIC

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#### § 7801. Definitions

In this chapter:

##### (1) 1982 Convention

The term “1982 Convention” means the United Nations Convention on the Law of the Sea of 10 December 1982.

##### (2) Commission

The term “Commission” means the Commission of the South Pacific Regional Fisheries Management Organization established in accordance with the South Pacific Fishery Resources Convention.

##### (3) Convention Area

The term “Convention Area” means the area to which the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean applies under Article 5 of such Convention.

##### (4) Council

The term “Council” means the Western Pacific Regional Fishery Management Council.

##### (5) Exclusive economic zone

The term “exclusive economic zone” means—

(A) with respect to the United States, the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983 (16 U.S.C. 1453 note); and

(B) with respect to a foreign country, a designated zone similar to the zone referred to in subparagraph (A) for that country, consistent with international law.

#### (6) Fishery resources

The term “fishery resources” means all fish, mollusks, crustaceans, and other marine species, and any products thereof, caught by a fishing vessel within the Convention Area, but excluding—

(A) sedentary species insofar as they are subject to the national jurisdiction of coastal States pursuant to Article 77 paragraph 4 of the 1982 Convention;

(B) highly migratory species listed in Annex I of the 1982 Convention;

(C) anadromous and catadromous species; and

(D) marine mammals, marine reptiles and sea birds.

#### (7) Fishing

The term “fishing”—

(A) except as provided in subparagraph (B), means—

(i) the actual or attempted searching for, catching, taking, or harvesting of fishery resources;

(ii) engaging in any activity that can reasonably be expected to result in the locating, catching, taking or harvesting of fishery resources for any purpose;

(iii) transshipment and any operation at sea, in support of, or in preparation for, any activity described in this subparagraph; and

(iv) the use of any vessel, vehicle, aircraft, or hovercraft in relation to any activity described in this subparagraph; and

(B) does not include any operation related to emergencies involving the health and safety of crew members or the safety of a fishing vessel.

#### (8) Fishing vessel

The term “fishing vessel” means any vessel used or intended to be used for fishing, including any fish processing vessel support ship, carrier vessel, or any other vessel directly engaged in fishing operations.

#### (9) Person

The term “person” means any individual (whether or not a citizen or national of the United States); any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State); and any Federal, State, local, or foreign government or any entity of any such government.

#### (10) Secretary

The term “Secretary” means the Secretary of Commerce.

#### (11) South Pacific Fishery Resources Convention

The term “South Pacific Fishery Resources Convention” means the Convention on the Conservation and Management of the High Seas Fishery Resources in the South Pacific Ocean (including any annexes, amendments, or